

REMARKS

Claims 1-23 are pending in the application. Claims 1-9, 11-14 and 16-23 are rejected. Claims 10 and 15 are objected to. New claims 24 and 25 are added in this amendment.

35 U.S.C. § 102:

Claims 1, 3, 4 and 20

Claims 1, 3, 4 and 20 are rejected under 35 U.S.C. § 102(e) as being anticipated by Field et al. (hereinafter "Field"). Applicant respectfully traverses this rejection in view of the following remarks.

Rejections Under 35 U.S.C. § 102 are proper only when the applied reference discloses each feature recited in the claims. Field fails to disclose each feature recited in amended claim 1. Specifically, claim 1 has been amended to further recite the wound composite tape as including a combination of fibers of a mesh-type substrate with at least one different type of material. Field does not disclose this feature.

The features of claim 20 also are not disclosed by Field. Claim 20 describes an "outermost" protective sheath formed from a piece of tape made of a wound piece of composite material. This feature is not taught by Field, as acknowledged by the Examiner in the Interview Summary dated October 29, 2002.

Accordingly, claims 1 and 20 are not anticipated by Field, and the rejection of these claims under 35 U.S.C. § 102(e) should be withdrawn. Dependent claims 3 and 4 also are not anticipated by Field, at least by virtue of their dependency on independent claim 1, and their individual recitations.

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Claims 1 and 3-9

Claims 1 and 3-9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hardwick, III et al. (hereinafter "Hardwick"). Applicant respectfully traverses this rejection in view of the following remarks.

As acknowledged by the Examiner in the Interview Summary, Hardwick does not disclose the recited composite tape. Nor does Hardwick disclose the additional features added to claim 1 via this Amendment. Accordingly, claim 1 is not anticipated by Hardwick, and the rejection thereof under 35 U.S.C. § 102 should be withdrawn. Dependent claims 3-9 also are not anticipated by Hardwick, at least by virtue of their dependency on independent claim 1, and their individual recitations.

Claims 11-13 and 21

Claims 11-13 and 21 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hardwick. Applicant respectfully traverses this rejection in view of the following remarks.

As acknowledged by the Examiner in the Interview Summary, Hardwick does not disclose the claimed composite tape of claim 11. Accordingly, Hardwick also fails to disclose the composite material of claim 21. Further, Hardwick does not disclose the additional features added to claim 11 in regard to the composite tape. Thus, claims 11 and 21 are not anticipated by Hardwick, and the rejection thereof under 35 U.S.C. § 102(e) should be withdrawn. Claims 12 and 13 also are not anticipated by Hardwick at least by virtue of their dependency on claim 11, and their individual recitations.

35 U.S.C. § 103:

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Field. Applicant respectfully traverses this rejection in view of the following remarks.

To establish a *prima facie* case of obviousness, the Examiner must show that the prior art references, teach or suggest all of the claimed features. See MPEP § 2143. Field does not teach or suggest the features of claim 2. Claim 2 recites that each of the plurality of stacks is formed to have one of a triangular and trapezoidal shape. As acknowledged in the Interview Summary, the references do not disclose the triangular aspects of the claims. Similarly, Applicant submits that the trapezoidal aspect of claim 2 is also not taught or suggested by the references. Accordingly, claim 2 is patentable over Field, due to its individual features and its dependency on claim 1, and the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn.

Claim 14

Claim 14 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardwick. Applicant respectfully traverses this rejection in view of the following remarks.

Claim 14 recites that said first and second stacks are formed to have a triangular shape. As acknowledged by the Examiner in the Interview Summary, the references fail to disclose this feature. Thus, claim 14 is patentable over Hardwick because of its individual recitations, in addition to it depending from claim 11, which is also patentable over Hardwick.

Claims 16 and 22

Claims 16 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Field. Applicant respectfully traverses this rejection in view of the following remarks.

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Claim 16 recites, *inter alia*, a plurality of stacks that each include a plurality of buffer tubes, and each of the plurality of stacks is formed to have a triangular shape. Claim 22 also includes this feature. As acknowledged by the Examiner in the Interview Summary, the triangular features of the claims are not taught or suggested by the references. Accordingly, claims 16 and 22 are patentable over Field, and the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn.

Claims 17-19 and 23

Claims 17-19 and 23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hardwick. Applicant respectfully traverses this rejection in view of the following remarks.

Claim 17 recites, *inter alia*, providing a piece of composite tape. As acknowledged in the Interview Summary, Hardwick does not disclose the composite tape. Moreover, Hardwick does not teach to apply gel to a first side of the composite tape, along with the depositing of an optical fiber on the composite tape. Furthermore, Hardwick does not disclose the bundling of a plurality of buffer tubes with a composite tape to form a stack having a triangular shape, as recited in claim 18.

Claim 23 is also patentable over Hardwick because of the failure of Hardwick to disclose the claimed providing of a tape made from a composite material, along with the other features of this claim. Accordingly, claims 17, 18 and 23 are patentable over Hardwick, and the rejection thereof under 35 U.S.C. § 103(a) should be withdrawn. Claim 18 is also patentable over Hardwick at least by virtue of its dependency on claim 17, and because of its individual recitations.

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NEW CLAIMS:

In Section 10 of the Office Action, the Examiner indicates that claims 10 and 15 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Accordingly, Applicant adds new claims 24 and 25 that respectfully correspond to claims 10 and 15. Allowance of these claims is respectfully requested in the next Patent Office paper.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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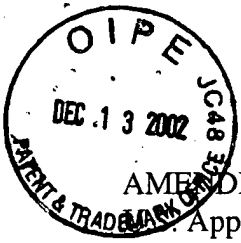


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APPENDIX

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

1. (Amended) An optical fiber cable configuration, comprising:
an outer protective sheath formed from a piece of wound composite tape;
a plurality of stacks which are standard to be radially positioned within said outer protective sheath, wherein each of said plurality of stacks includes a plurality of buffer tubes, and
wherein said piece of wound composite tape includes a combination of fibers of a mesh-
type substrate with at least one different type of material.

11. (Amended) An optical fiber cable configuration, comprising:
a first buffer tube formed from a piece of wound composite tape; and
at least one optical fiber disposed in said first buffer tube,
wherein said piece of wound composite tape includes a combination of fibers of a mesh-
type substrate with at least one different type of material.

Claims 24 and 25 are added as new claims.